



PLANNING COMMISSION

AGENDA REPORT

VIII.1

MEETING DATE: FEBRUARY 23, 2009

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-01
1902 AND 1906 HARBOR BOULEVARD

DATE: FEBRUARY 12, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit (CUP) for off-site reciprocal parking and minor conditional use permits (MCUP) to allow shared vehicle access and a deviation from shared parking requirements for two restaurants proposed at 1902 Harbor Boulevard.

APPLICANT


Brian Cleugh of The Murrel Company is the authorized agent for Jaymar Investments, LLC.

PROJECT CONSULTANT

EG (Ehdaie/Gandara) Architecture, Planning, Interior Design.

RECOMMENDATION

Approve the application by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The site, located at the northeast corner of Harbor Boulevard and West 19th Street, is within the City's Downtown Redevelopment area. The site consists of two lots (1902 and 1906 Newport Boulevard) that are under single ownership and contain two, recently renovated, commercial buildings.

The applicant proposes to replace the Pasta Connection restaurant, formerly located at 1902 Newport Boulevard, with two new restaurants. However, the total area of the two restaurants will exceed the size of the former restaurant: 2,947 sq.ft. total restaurant area is proposed; 2,500 sq.ft. existed. Therefore the applicant requests:

1. A CUP to allow patrons, employees, and business owners of 1902 and 1906 Newport Boulevard to park on either properties;
2. A MCUP to allow shared vehicle access between the two properties; and
3. A MCUP to allow a deviation from shared parking requirements, for a reduction in parking to support the additional 447 sq.ft. of restaurant area.

The proposed restaurants and operational characteristics are as follows:

| | |
|---|---|
| Roberto's 1,775 square feet | Mon - Fri 9 a.m. – 10:30 p.m. Sat-Sun 11 a.m. – 10:30 p.m. |
| Bakery items in the mornings, light lunch, and full dinner. Dinner to be the largest portion of the business. | |
| Gandolfo's NY Deli 1,172 square feet | Mon – Sat 7 a.m. – 9 p.m. Sun 9 a.m. – 5 p.m. |
| Quick service deli with lunch to be the largest portion of the business. | |
| Proposed restaurants would occupy 40 percent of the two commercial buildings. | |

ANALYSIS

Off-site Parking and Shared Vehicle Access

There is an existing driveway on Harbor Boulevard which serves both properties. The parking spaces historically have been shared between the lots with one of the parking spaces straddling the property line. Staff believes that approval of the permits for off-site reciprocal parking and shared access would allow for adequate on-site circulation for the two commercial properties to function as one. If Commission approves the application, staff recommends a condition (number 1) requiring recordation of an access and parking agreement prior to establishment of the restaurants to ensure all the parking continues to be available to both properties.

Deviation from Shared Parking Requirements

The two properties were constructed in the 1950's and 60's, and the existing on-site parking does not meet today's standards. The current Code requires 42 spaces with the previous restaurant; 45 spaces would be required with the proposed increase in restaurant area; 23 spaces exist with shared parking. The applicant states that the

combined dining area for the proposed restaurants will not exceed the dining area for the previous restaurant. However, parking requirements are based on gross floor area, not just dining area.

Although parking would not meet Code for the additional 447 square-foot restaurant area (three additional spaces would be required), the site has always been short in meeting parking requirements and staff believes that approval of a three-space deviation from shared parking requirements would not negatively impact the surrounding area. However, staff recommends a condition of approval requiring installation of additional perimeter and interior landscaping on the properties to enhance pedestrian access to the site from other commercial centers and the condominium development in the area. Staff believes that the proposed restaurants, with additional trees, shrubs, and groundcover throughout the property, would provide a pedestrian friendly and viable development at a prominent intersection in the City's downtown area so that the deviation in parking requirements would be negligible.

GENERAL PLAN CONSISTENCY

The General Plan permits a wide variety and scale of uses, including restaurants, within the Commercial Center land use designation of the property. Therefore, approval of the conditional use permits for the restaurants would be consistent with the General Plan.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow off-site reciprocal parking and shared access as well as establishment of the restaurants as proposed.
2. Deny the application. If Commission denies the application, restaurant uses may occupy no more than 2,500 square feet of the building at 1902 Harbor Boulevard and a similar request for additional restaurant area, off-site reciprocal parking, and shared access may not be submitted for six months. Denial of the off-site reciprocal parking and shared access would result in adverse effects if one of the properties is sold independent of the other because there is a parking space straddling the property line and there would be no direct access to the parking spaces that exist at the front of 1906 Harbor Boulevard.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.

CONCLUSION

Staff believes approval of the off-site reciprocal parking and shared access, with recordation of the appropriate document, will allow the site to continue to function as it has in the past, even if one of the properties is sold independent of the other. Additionally, staff believes additional landscaping on the properties would enhance

pedestrian access to the site so that a three-space deviation from shared parking requirements would be negligible.

Attachments: 1. Draft Planning Commission Resolution
 2. Applicant's Project Description Letter
 3. Location Map
 4. Plans

cc: Deputy City Manager - Dev. Svs. Director
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Brian Cleugh/Jaymar Investments, LLC
2439 West Coast Hwy, Ste. 200
Newport Beach, CA 92662

| | | |
|--------------------|--------------|-----------------|
| File: 022309PA0901 | Date: 021209 | Time: 9:00 a.m. |
|--------------------|--------------|-----------------|

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-01**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Brian Cleugh, authorized agent for property owner Jaymar Investments, LLC, with respect to the real properties located at 1902 and 1906 Harbor Boulevard, requesting approval of a conditional use permit and minor conditional use permits for off-site reciprocal parking and shared access, as well as for a deviation from shared parking requirements for two restaurants, in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 23, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-09-01 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-09-01 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 23rd day of February 2009.

Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 23, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (approval)

- A. The proposal complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The proposal is consistent with the General Plan since the Commercial Center designation allows a wide variety and scale of uses, including restaurants.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor/conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, it allows for adequate on-site circulation and access for two commercial properties to function as one as it has in the past, even if one of the properties is sold independent of the other. Additionally, additional landscaping on the properties, as conditioned, would enhance pedestrian access to the site so that a three-space deviation from shared parking requirements would be negligible.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng.
1. A reciprocal access and parking agreement between 1902 and 1906 Harbor Boulevard shall be submitted for review and approval by Planning staff and City Attorney prior to recordation. A copy of the recorded document shall be provided prior to any building permit or business license issuance for the restaurants.
 2. The applicant shall provide additional perimeter and interior landscaping wherever feasible, under the direction of the Planning staff. Prior to any building permit or business license issuance for the restaurants, the applicant shall submit to the Planning Division landscaping and irrigation plans for review and approval. Landscaping and irrigation shall be installed in accordance to the approved plans prior to final occupancy of the restaurants.
 3. If a parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing or off-setting the hours of operation for the restaurants.
 4. A copy of the conditions of approval for the conditional use permits must be kept on premises and presented to any authorized City official upon request.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-01**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Brian Cleugh, authorized agent for property owner Jaymar Investments, LLC, with respect to the real properties located at 1902 and 1906 Harbor Boulevard, requesting approval of a conditional use permit and minor conditional use permits for off-site reciprocal parking and shared access, as well as for a deviation from shared parking requirements for two restaurants, in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 23, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-09-01 with respect to the property described above.

PASSED AND ADOPTED this 23rd day of February 2009.

Chair
Costa Mesa Planning Commission

EXHIBIT “A”

FINDINGS (denial)

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposed use is not compatible and harmonious with uses on surrounding properties.
 - 2. The use is not consistent with the General Plan.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially does not comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permits will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.
- C. The Costa Mesa Planning Commission has denied PA-09-01. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

1902 Harbor Blvd and 440-446 19th St.

Project Description

The subject property consists of a single 4,920 square feet one story building situated on a 13,000 square foot lot. It is located on the northeast corner of 19th St and Harbor Blvd. The building addresses are 1902 Harbor Blvd. and 440, 442, 444, 446 W. 19th St. It is a retail zoned property.

Jaymar Investments, LLC ("Jaymar"), the owner of the subject property, is renovating the existing building to improve the aesthetics and functionality of the project. The plan is to have multiple tenants occupy the building with a mix of food and retail tenants, which is substantially compatible with uses permitted in the same general area. Jaymar is also the owner of the adjacent property, which is being renovated simultaneously. The address of the adjacent property is 1904 & 1906 Harbor Blvd.

Background

Jaymar purchased the subject property in November of 2007. During the acquisition, Jaymar representatives met with Melvin Lee, Senior Planner with the City of Costa Mesa, to discuss the plan for the property. During these meetings, Mr. Lee and Jaymar came to agreement on the type of architecture and that the amount of space dedicated to restaurant uses would be grandfathered into the renovation. Prior to the renovation, the Pasta Connection occupied 2,500 sf.

Justification for Minor Conditional Use Permit

Jaymar Investments, LLC is seeking approval for a Minor Conditional Use Permit for increasing the square footage allocated to food tenants, but no increase in the seating area. Prior to the current renovation, the Pasta Connection had approximately 1,253 square feet of seating area in their 2,500 square feet of space (see Sheet A2.0, Detail 2). Our request would leave the total seating area unchanged at 1,253 square feet. We are working with two tenants, Gandolfo's and Roberto's, who would like to occupy approximately 2,947 square feet of space combined, an addition of 447 square feet (see Sheet A2.0, Detail 3). Because the seating area would remain unchanged there would be no detrimental effects to the neighboring properties.

As evidenced by the floor plans on Sheet A2.0, the cause of the increase in overall space is that each tenant requires their own food preparation area, storage area, and restrooms which require a minimum amount of space. The proposed use will have two (2) food prep areas, two (2) storage areas and two (2) sets of restrooms as opposed to Pasta Connection which only had one (1) of each area.

We believe that approval of our request will be a positive for the surrounding neighborhood. There will be no increase in the intensity of the usage at the project. The total seating area will remain unchanged. Also, the proposed tenants will provide a valuable mix of dining opportunities for the residents and businesses in the surrounding area and be compatible with the surrounding areas. See below for a summary of the proposed tenants.

Summary of Proposed Tenants

Roberto's

Roberto's is a French-Italian Fusion restaurant featuring moderately priced, high quality food based on time honored recipes. The restaurant will include a bakery providing fresh bread and pizza as well as a cafeteria with cappuccino, espresso, café latte, and macchiato. Roberto's is the creation of Roberto Bignes and Fernanda Masuero. Together, Roberto and Fernanda have owned and operated restaurants since 1995.

Roberto's business plan is to serve a full dinner, a light lunch, and build a catering relationship with local businesses. Their expectation is that **dinner** will comprise the largest portion of their business.

Gandolfo's

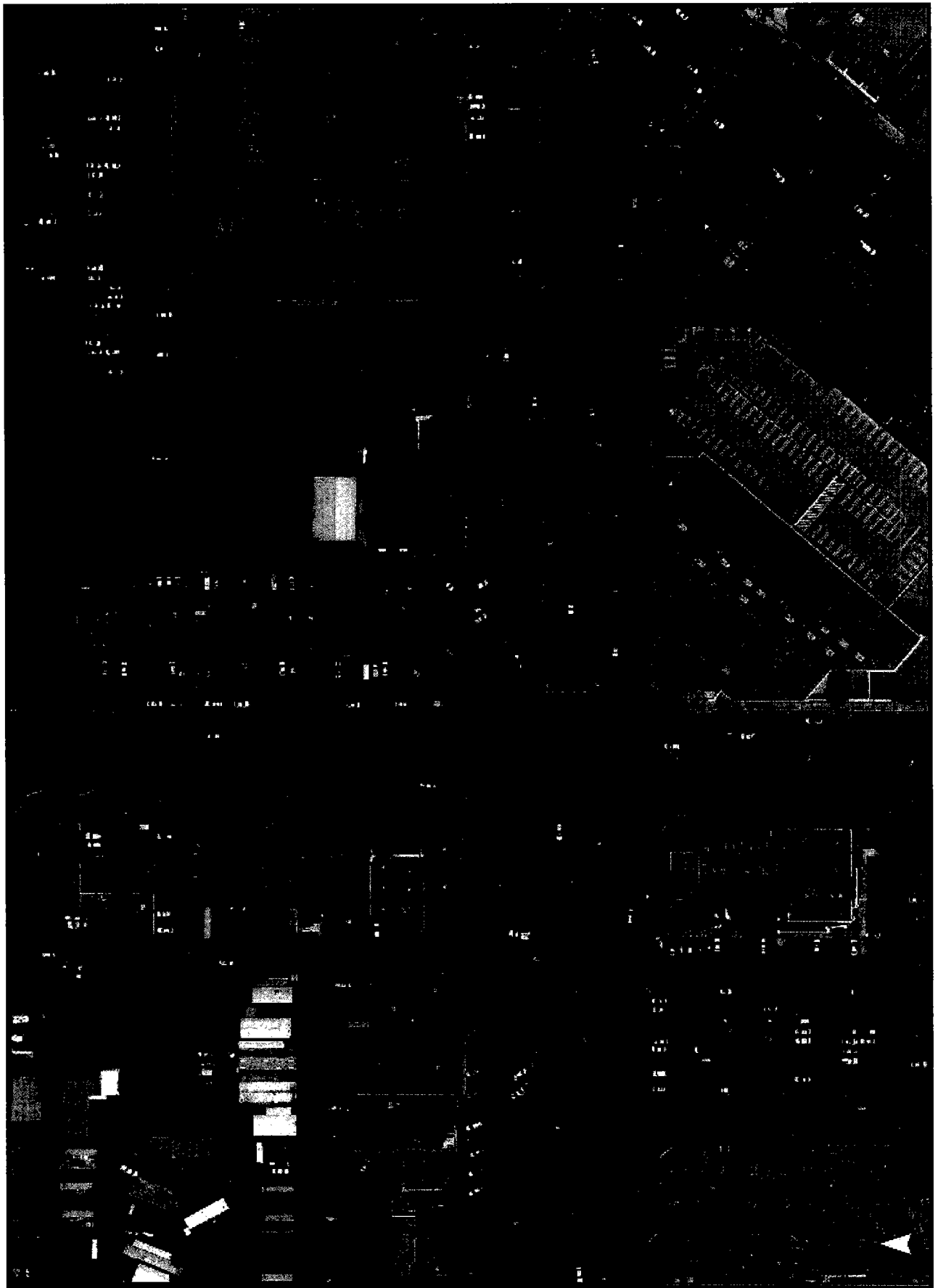
Gandolfo's New York Delicatessen is a quick service deli offering a variety of high quality sandwiches, breads, homemade deli salads, and breakfast offerings.

- Founded in 1990 by Craig Gandolph in Provo, Utah
- Over 200 stores/franchises
- Located in 17 states from California to Maryland
- California currently has 4 stores (Oceanside, Rancho Cucamonga, Chula Vista, Santa Clarita) with multiple stores coming soon including Mission Viejo, Rancho Santa Margarita, and Los Angeles

Craig Gandolph is the entrepreneur and creative genius behind the Gandolfo's Deli restaurant system. Craig grew up on Long Island, New York, worked in several local delicatessens, and learned the secrets to creating great sandwiches. He moved to Utah and in January, 1995, formed Gandolfo's New York Delicatessen and Catering, Inc., which purchased all of the assets of the deli. Craig is the President and CEO of this corporation. Gandolfo's business plan calls for continued expansion to over 500 stores.

Gandolfo's main meal will be **lunch**.

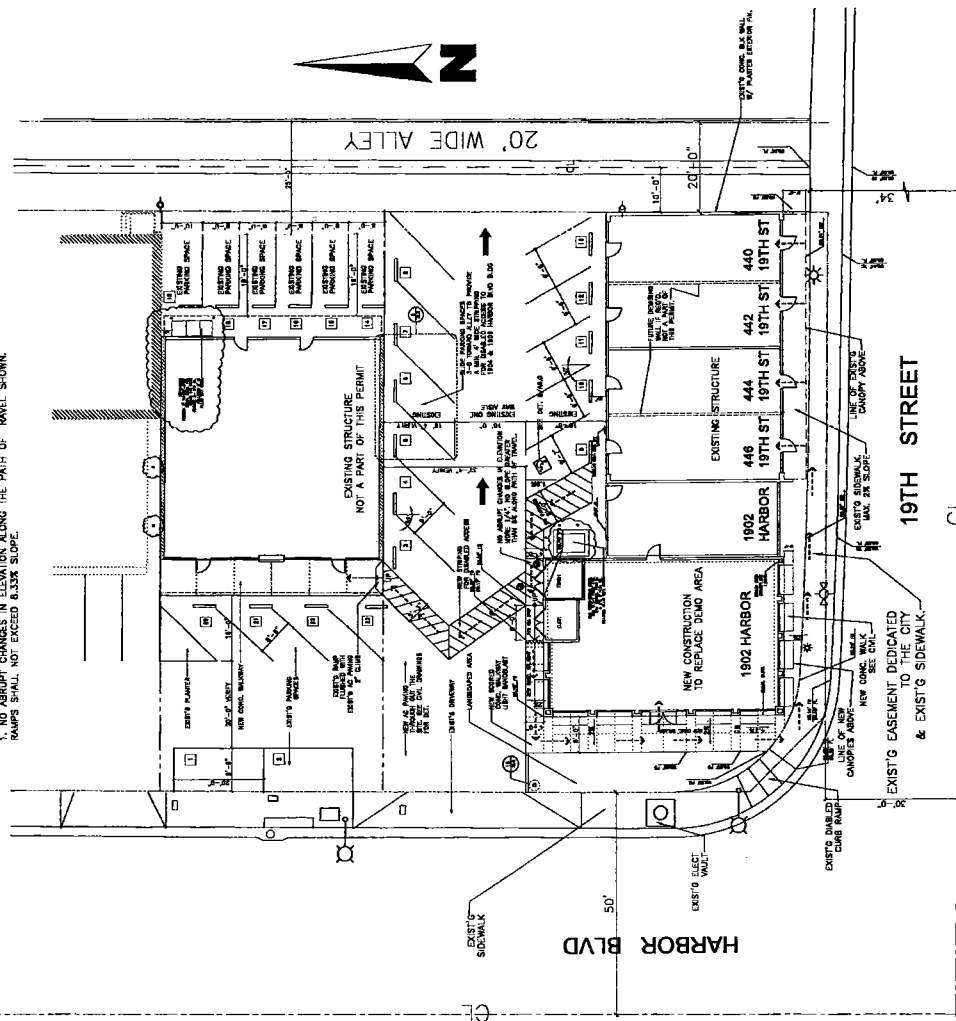
LOCATION/AERIAL MAP



NOV 14 2008

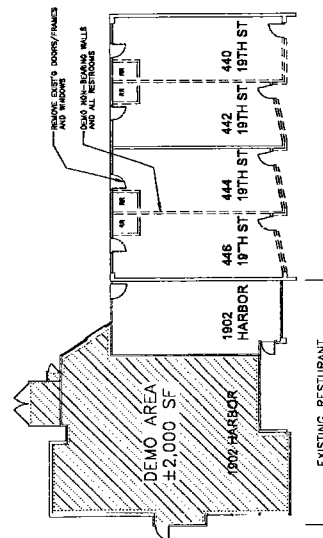
DISABLED ACCESS REQUIREMENTS:

- 5'. NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN.
RAMP SHALL NOT EXCEED 8.33% SLOPE.



SCOPE OF WORK:

- SCOPE OF WORK:**
1. DEMO AND REBUILD 2,000 SF OF SHELL BUILDING AT 1602 HARBOR BLVD.
 2. EXTERIOR REMODELING, AND TILE ROOF OVER EXIST'G CANOPY. REPLACE HVAC UNITS, NEW GLAZING SYSTEM, REMOVE INTERIOR NON-LOAD BEARING WALLS AND RESTROOMS FOR A SHELL ONLY BUILDING AT 440-441 19TH ST.

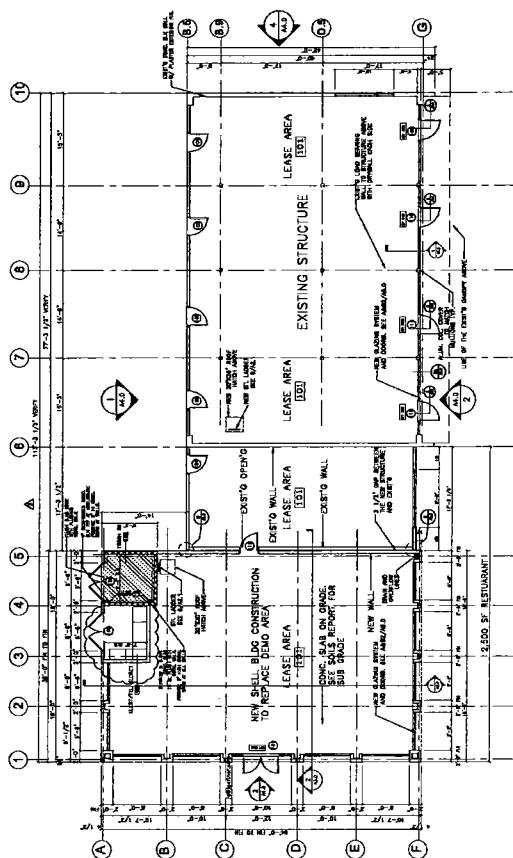


PROJECT: HARBOR/19TH HARBOR BLVD 9002 HARBOR BLVD 440, 442, 444, 446 N. 19TH ST. COSTA MESA, CA OWNER: JAYMAR INVESTMENTS, LLC A CALIF. LIMITED LIABILITY CO. 43439 WEST COAST HWY STE 200 NEWPORT BEACH, CA 92663

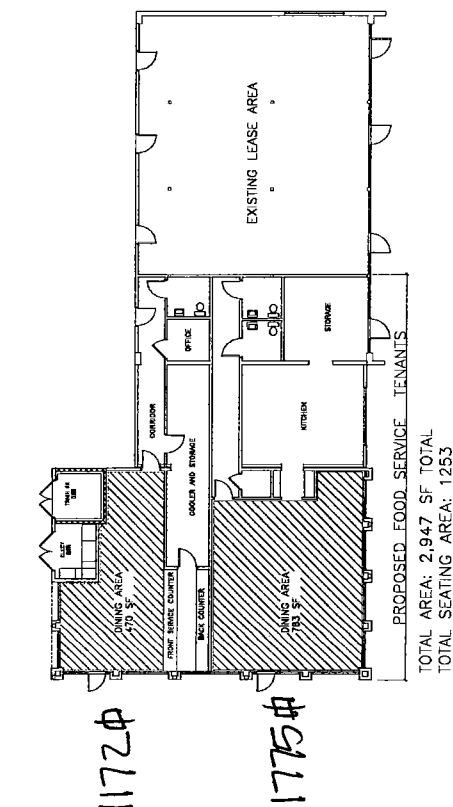
| Revisions | Date |
|-------------|----------|
| Job Number | |
| Drawn By | |
| Checked By | |
| Scale | |
| Date | 11-12-58 |
| Sheet Title | |
| FLOOR PLANS | |

PROCEEDING AND USE OF INSTRUMENTS

THIS DOCUMENT IS THE PROPERTY OF THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR. IT IS TO BE USED FOR THE PURPOSES AUTHORIZED BY THE BUREAU OF LAND MANAGEMENT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE BUREAU OF LAND MANAGEMENT.

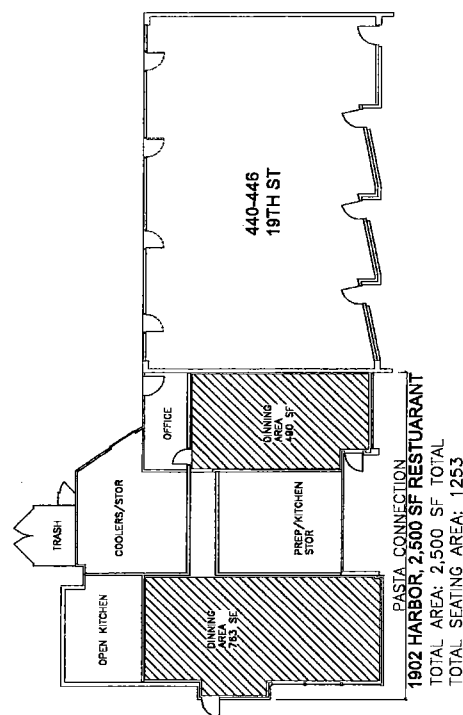
Sheet No. **A.2.0**

NEW FLOOR PLAN



PROPOSED FOOD SERVICE TENANTS

TOTAL AREA: 2,947 SF TOTAL
TOTAL SEATING AREA: 1253



PASTA CONNECTION

1902 HARBOR, 2,500 SF RESTU
TOTAL AREA: 2,500 SF TOTAL
TOTAL SEATING AREA: 1253

[illegible]

RECEIVED
CITY OF COSTA MESA
PLANNING DEPARTMENT

February 18, 2009

FEB 18 2009

VIII.1
PA-09-01

Attn: Costa Mesa Planning Commission
77 Fair Drive.,
Costa Mesa, CA

Re: Objection to Offsite Parking on Adjoining Property Conditional Use Permit
Planning Application PA-09-01

Dear Planning Commission,

This letter is to voice my objection to the two new restaurants that are being proposed at the 1902 and 1906 Harbor Blvd locations. As a current owner of a business that resides in the property adjoining to this one, parking has always been a problem. We have already had many complaints from our customers about the parking and my fears are that it will get drastically worse if these two restaurants are allowed to be built due to the customers and the employees of these restaurants parking in our customer spaces.

We currently get only about two customers at any one time during the week and maybe as high as three on the weekends. For those employees of ours that do drive, and most do not, they either have to park in the back or park off site. This is to alleviate the congested parking.

Most of our customers are walk-ins and if they cannot find a place to park, guess what? THEY DON'T WALK IN! Our business, like most small businesses, is already hurting because of the fallen economy and we can't afford to lose customers because they can't find a place to park. So please deny this conditional use permit!!!

Sincerely,



Michael W. Guenther
Owner/Operator
Chaba Thai Massage & Spa
1920 Harbor Blvd.,
Costa Mesa, CA 92627
Contact Phone #: (562) 506-3022

VIII. 1
PA-09-01

From: Don Elmore [mailto:donelmore@ca.rr.com]
Sent: Wednesday, February 18, 2009 2:31 PM
To: GlobeDeli@aol.com; PLANNING COMMISSION
Subject: Re: Planning Application PA-09-01

Dear Commissioners.

I am a customer of the Globe European Delicatessen, located at 1928 Harbor Blvd, Costa Mesa. Many times when I go there, I have a problem find a parking space. There is insufficient parking for the businesses that are located in this strip mall.

Now I understand that two new businesses are planning on opening at 1902 - 1906 Harbor Blvd and there is currently insufficient parking for them as well and they are requesting a Conditional Use permit to utilize existing parking spaces on the adjoining property.

With the current parking problems at the strip mall, I am requesting this Application PA-09-01 be denied.

In the City of Costa Mesa, there is currently a long standing problem of insufficient parking spaces, yet the City continually grants variances for parking requirements for new structures. If a business cannot create their own parking, then that should be their problem and not the problem of all citizens of Costa Mesa.

I thank you for your assistance on this matter.

Don Elmore
Costa Mesa CA 92627-2912
(949) 646 8769